Court No.3

Criminal Revision No. 143/2001
(Old No. 636/1991)

Banwari Lal …Revisionist.

Vs.

State …Respondent.

Hon'ble Irshad Hussain, J.

None appear for the revisionist Banwari Lal who was served.

Heard Ms. Vinita Verma learned A.G.A. and perused the record.

This criminal revision is directed against the judgment and order dated 30-1-1991 passed by the then Sessions Judge Uttarkashi, dismissing the appeal filed by the revisionist-accused against the judgment and order dated 22-5-1990 passed by C.J.M. Uttarkashi convicting and sentencing him to pay a fine of Rs. 500/- under section 420 I.P.C. In default of payment of fine he was to undergo simple imprisonment for three months.

The learned Sessions Judge had considered the evidence of Amba Dutt (P.W.1) and Jai Dev Singh Advocate (P.W.5) who have fully supported the complainant's version that the revisionist –accused Banwari Lal falsely representing himself to be an Advocate induced the victim Mahesha Nand to part with a sum of Rs. 250/- as a fee as to present a bail application of his son in competent court. The son of Mahesha Nand was arraigned as an accused in a criminal case and when he went to court premises this revisionist-accused met him and gave him assurance and promosed to do the needful. Later on it transpired that he was not an Advocate by profession and he had also not engaged Sri Jai Dev Singh Advocate (P.W.5) to do the Pairavee for the son of complainant Mahesha Nand. When the matter was reported to the members of the Bar the revisionist accused was made to return a sum of Rs. 100/- to the complainant in the presence of Sri H.M. Raturi Advocate. Sri Raturi has supported this revision in the court on oath. The learned Magistrate also considered the evidence of the complainant that the amount of Rs. 250/-

was in fact taken from the complainant on false representation by cheating on the pretext mentioned above. The learned Magistrate has considered the relevant evidence in proper perspective and the learned Sessions Judge has rightly did not find any error in the judgment and order of the learned Magistrate.

In view of above it is evidence that there was sufficient evidence to prove that by making inducement the revisionist-accused took money from the complainant and he was thus cheated by him by giving assurance that he will do pairavee in the bail application as a lawyer of the son of complainant. The ingredients of the cheating thus were fully established from the evidence produced in the case and there being no infirmity in the judgment of the appellate court, this revision has no force and is liable to be dismissed.

The revision is dismissed.

Let a copy of the judgment and order be sent to the Magistrate concerned for compliance.

(Irshad Hussain, J.)

Dated: 9-9-2003

ISB